The Charter

OF THE

City of Springfield, Ohio

Election Tuesday,
August 26th, 1913

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STATEMENT OF CHARTER COMMISSION

To the Voters of Springfield, Ohio:—

We submit to you a proposed charter for Springfield. This charter has been prepared for your consideration in the firm belief that the people of Springfield are ready to take their local government into their own hands by the adoption of a charter. A special election for that purpose will be held on Tuesday, August 26, 1913.

ADVANTAGES OF THE CHARTER

We suggest the following as a few of the many reasons for the adoption of the charter:

1. It secures Home Rule for Springfield.
2. It establishes a simple, direct and businesslike form of government.
3. It makes elective officers responsive to public opinion by means of the initiative and referendum.
4. It provides for direct primaries and a non-partisan ballot.
5. It prohibits candidates from soliciting office by improper methods.
6. It affords to capable men the opportunity of holding office during good behavior, thus tending to the development of trained public servants.
7. It furnishes, through the recall, a simple method of removing inefficient or corrupt officials.
8. It requires public hearings upon money appropriations.
9. It secures full publicity of official acts yet eliminates wasteful methods of legal advertising.
10. It creates a purchasing department which will effect great saving in the purchase of supplies.
11. It permits public work to be done by direct labor as well as by contract.
12. It fixes eight hours as a day's labor upon public work.
13. It safeguards the city in franchise matters.
14. It offers a means of avoiding much unnecessary tearing up of streets for service connections.
15. It recognizes the people as the sole source of governmental power and imposes upon each member of the community the duty and responsibility of actively interesting himself in the affairs of his city.

If this charter is adopted its amendment is possible at any time by a safe and convenient method. We unanimously urge its adoption in the interest of a better and a greater Springfield.

THE CHARTER COMMISSION.

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Charter of The City of Springfield, Ohio

We, the people of the City of Springfield, Ohio, in order to obtain the benefits of local self-government, to encourage more direct and business-like methods in the transaction of our municipal affairs, and otherwise to promote our common welfare, do adopt the following Charter of our city.

POWERS OF THE CITY

Section 1. The inhabitants of the City of Springfield, Ohio, as its limits now are or hereafter may be established, shall continue to be a body politic and corporate, to be known and designated as "The City of Springfield, Ohio," and as such shall have perpetual succession. It shall have and may exercise all powers which now or hereafter it would be competent for this charter specifically to enumerate, as fully and completely as though said powers were specifically enumerated herein; and no enumeration of particular powers by this charter shall be held to be exclusive.

THE CITY COMMISSION

Creation and Powers.

Section 2. There is hereby created a City Commission to consist of five electors of the city elected at large, who shall hold office for a term of four years beginning January first after their election, excepting that the two members elected at the first election by the lowest vote shall hold office for the term of two years only.

All the powers of the city, except such as are vested in the Board of Education and in the Judge of the Police Court, and except as otherwise provided by this charter or by the constitution of the state, are hereby vested in the city commission; and, except as otherwise prescribed by this Charter or by the constitution of the state, the city commission may by ordinance or resolution prescribe the manner in which any power of the city shall be exercised. In the absence of such provision as to any power, such power shall be exercised in the manner now or hereafter prescribed by the general laws of the state applicable to municipalities.

Qualification of Members.

Section 3. Each member of the city commission, for at least five years immediately prior to his election shall have been, and during his term of office shall continue to be, a resident of the City of Springfield, Ohio, and shall have the qualifications of an elector therein. He shall not hold any other public office or employment except that of Notary Public or member of the state militia.

No candidate for the office of city commissioner shall make any personal canvass among the voters to secure his nomination or election, or the nomination or election of any other candidate at the same election, whether for municipal, county, state or other office. He may cause notice of his candidacy to be published in the newspapers, and may procure the circulation of a petition for his nomination; but he shall not personally circulate such petition, nor by writing or otherwise solicit any one to support him or vote for him. He shall not expend or promise any money, office, employment or other thing of value to secure a nomination or election; but he may answer such inquiries as may be put to him and may declare his position publicly upon matters of public interest, either by addressing public meetings or by making written statements for newspaper publication or general circulation. A violation of these provisions, or any of them, shall disqualify him from holding the office, if elected; and the person receiving the next highest number of votes, who has observed the foregoing conditions, shall be entitled to the office.

Vacancies.

Section 4. Any vacancy in the city commission, except as otherwise provided in this charter, shall be filled by the remaining members by the vote of at least three. If the term of the office so filled does not expire for two years or more after the next regular municipal election following such vacancy, and such vacancy occurs in time to permit it, an additional commissioner shall then be elected; and, of those commissioners elected at such election the one having the lowest vote shall succeed such appointee and serve the unexpired term. In the event of more than one vacancy to be so filled by election, the same provisions shall apply.

If, by reason of resignations, deaths, failure to elect, or other circumstance, three or more vacancies exist or occur at the same time in said city commission, or if said commission fails to fill any vacancy within ten days after the same occurs, then the trustees of the sinking fund and the members of the civil service commission shall convene in joint session, and by a majority vote of the members of the joint board forthwith make such number of appointments as may be necessary to constitute a city commission of three qualified members, which three members shall at once proceed to fill the remaining vacancies as hereinbefore provided. The clerk of the trustees of the sinking fund shall act as the clerk of the two boards in joint session, and shall cause his certificate of their action to be entered on the journal of the city commission.

Salary and Bonds.

Section 5. Each member of the city commission shall receive, except as hereinafter provided, a salary of five hundred dollars a year payable in equal monthly installments; and shall give bond in the sum of ten thousand dollars with some bonding company regularly accredited to do business in the State of Ohio as surety thereof, to the approval of the sinking fund trustees; and the premium of each such bond shall be paid by the city.

President.

Section 6. The city commission shall at the time of organizing elect one of its members as president and another as vice-president for terms of two years. In case the members of the city commission, within five days after the time herein fixed for their organization meeting, are unable to agree upon a president or a vice-president of such commission, then a president, or a vice-president, or both, as the occasion may require, shall be selected from all the members of such commission by lot conducted by the city solicitor; who shall certify the result of such lot upon the journal of the commission.

The president shall preside at all meetings of the commission and perform such other duties consistent with his office as may be imposed by it; and he shall have a voice and vote in its proceedings, but no veto. He may use the title of mayor in any case in which the execution of legal instruments of writing or other necessity arising from the general law of the state so requires; but this shall not be construed as conferring upon him the administrative or judicial functions of a mayor under the general laws of the state.

The president of the city commission shall be recognized as the official head of the city by the courts for the purpose of serving civil process, by the Governor for the purpose of military law, and for all ceremonial purposes. He may take command of the police and govern the city by proclamation during times of public danger or emergency, and he shall himself be the judge of what constitutes such public danger or emergency. The powers and duties of the president shall be such as are conferred upon him by this charter, together with such others as are conferred by the city commission in pursuance of the provisions of this charter, and no others.

If the president be temporarily absent from the city, or become temporarily disabled from any cause, his duties shall be performed during such absence or disability by the vice-president. In the absence of both president and vice-president the other members of the city commission shall select one of their number to perform the duties of president.

Clerk and Employes.

Section 7. The city commission shall appoint a clerk who shall be known as the Clerk of the City Commission, and who shall keep records and perform such other duties as may be prescribed by this charter or by the commission. It may also appoint and employ such other officers and employes of its body as are necessary.

Time of Meeting.

Section 8. At eight o'clock P. M. on the second day of January following a regular municipal election, or if such day be Sunday, on the day following, the city commission shall meet at the usual place for holding the meetings of the legislative body of the city, at which time the newly elected commissioners shall assume the duties of their office. Thereafter the city commission shall meet at such times as may be prescribed by ordinance or resolution, except that it shall meet regularly not less than one evening each week. The president, any two members of the commission, or the city manager, may call special meetings of the commission upon at least twelve hours written notice to each member, served personally or left at his usual place of residence. All meetings of the city commission shall be public and any citizen shall have access to the minutes and records thereof at all reasonable times. The commission shall determine its own rules and order of business and shall keep a journal of its proceedings.

Penalty for Absence.

Section 9. For each absence of a city commissioner from a regular meeting of the commission, there shall be deducted a sum equal to two per cent of the annual salary of such member. Absence from five consecutive regular meetings shall operate to vacate the seat of a member unless the absence is excused by the commission by resolution setting forth such excuse and entered upon the journal.

Legislative Procedure.

Section 10. A majority of all the members elected to the city commission shall be a quorum to do business, but a less number may adjourn from day to day and compel the attendance of absent members in such manner and under such penalties as may be prescribed by ordinance. The affirmative vote of at least three of the members shall be necessary to adopt any ordinance or resolution; and the vote upon the passage of all ordinances and resolutions shall be taken by "yeas" and "nays" and entered upon the journal.

Ordinance Enactment.

Section 11. Each proposed ordinance or resolution shall be introduced in written or printed form, and shall not contain more than one subject which shall be clearly stated in the title; but general appro-

priation ordinances may contain the various subjects and accounts for which moneys are to be appropriated. The enacting clause of all ordinances passed by the city commission shall be, "Be it ordained by the City Commission of the City of Springfield, Ohio." The enacting clause of all ordinances submitted to popular election by the initiative shall be: "Be it ordained by the people of the City of Springfield, Ohio."

No ordinance unless it be an emergency measure, shall be passed until it has been read at two regular meetings not less than one week apart, or the requirement of such reading has been dispensed with by an affirmative vote of four of the members of the commission. No ordinance or resolution or section thereof shall be revised or amended, unless the new ordinance or resolution contain the entire ordinance or resolution or section revised or amended; and the original ordinance, resolution, section or sections so amended shall be repealed.

Emergency Measures.

Section 12. All ordinances and resolutions passed by the city commission shall be in effect from and after thirty days from the date of their passage, except that the city commission may, by an affirmative vote of four of its members, pass emergency measures to take effect at the time indicated therein.

An emergency measure is an ordinance or resolution for the immediate preservation of the public peace, property, health, or safety, or providing for the usual daily operation of a municipal department, in which the emergency is set forth and defined in a preamble thereto. Ordinances appropriating money may be passed as emergency measures, but no measure making a grant, renewal or extension of a franchise or other special privilege, or regulating the rate to be charged for its service by any public utility, shall ever be so passed.

Record and Publication.

Section 13. Every ordinance or resolution upon its final passage shall be recorded in a book kept for that purpose, and shall be authenticated by the signatures of the presiding officer and the clerk of the commission. Every ordinance of a general or permanent nature shall be published once within ten days after its final passage in the manner herein provided.

Resolutions and ordinances providing for public improvements, to pay the cost of which special assessments are to be made, need not be published; but within ten days after the passage of each a notice shall be published as follows, the same being in addition to the notice required by law to be served on the property owners.

As to the resolution declaring the necessity of the proposed improvement, a notice shall be published headed "Notice of Public Improvement," stating when the same was adopted by the city commis-

sion, and setting forth the general nature and the extent of such improvement including any change of street grade that is to be made, what part of the cost thereof is to be assessed against the property to be especially benefited thereby, and when water, gas or other street connections must be made.

As to the ordinance determining to proceed with the improvement, a notice shall be published headed "Notice of Determination to Proceed with Public Improvement," stating when the city commission adopted the same, describing the character and extent of the improvement in general terms, and setting forth within what time assessments on property specially benefited may be paid in cash, and for what period and at what interest bonds will be issued for that portion of the assessment not so paid.

In regard to the ordinance to provide for the issue of bonds, a notice shall be published headed "Notice of Bond Issue for Public Improvement," stating when the city commission adopted the same, describing the improvement in general terms, and stating the total amount of bonds to be issued, in what denomination, when maturing, how to be dated and numbered, the rate of interest, when and where payable, and the lowest price at which any portion of such bonds not taken by the sinking fund of the city, or of the city school district, will be offered at public sale. Wherever practicable notices of the same character required to be published regarding separate improvements shall be combined into one notice under a single heading.

No resolution declaring it necessary to proceed with any public improvement shall be adopted until complete plans, specifications, profiles and estimates have been submitted to the city commission and been approved by it; and the same, or a copy thereof, shall thereafter remain on file in the office of the city engineer subject to inspection by the public.

Price and Mode of Publication.

Section 14. All of the above mentioned publications, as well as all other newspaper publications made by the city, shall be published in a newspaper or newspapers of general circulation in the municipality, in the body type of the paper and under head lines in eighteen point type, specifying the nature of the publication; and, where legally permissible, such publication shall be made but once and in one newspaper only.

The newspaper carrying such publication shall be paid a price per inch of space used and the lowest and best rate offered, not exceeding that which it receives from regular commercial display advertisers for the quantity of space used. Whenever it may appear to the city commission that the rates offered by such newspapers are unfair, such

other means or securing due publicity may be employed, in lieu of newspaper advertising, as the commission may by resolution determine.

CITY MANAGER

Appointment.

Section 15. The city commission shall appoint a city manager who shall be the administrative head of the municipal government under the direction and supervision of the city commission, and who shall hold office at the pleasure of the city commission. He shall be appointed without regard to his political beliefs and need not be a resident of the city at the time of his appointment. During the absence or disability of the city manager the city commission may designate some properly qualified person to execute the functions of the office.

Powers and Duties.

Section 16. The powers and duties of the city manager shall be:

(a) To see that the laws and ordinances are enforced.

(b) Except as herein provided, to appoint and remove all heads of departments, and all subordinate officers and employes of the city; all appointments to be upon merit and fitness alone, and in the classified service all appointments and removals to be subject to the civil service provisions of this charter.

(c) To exercise control over all departments and divisions created herein or that hereafter may be created by the commission.

(d) To see that all terms and conditions imposed in favor of the city or its inhabitants in any public utility franchise are faithfully kept and performed; and upon knowledge of any violation thereof to call the same to the attention of the city solicitor, who is hereby required to take such steps as are necessary to enforce the same.

(e) To attend all meetings of the commission, with the right to take part in the discussions but having no vote.

(f) To recommend to the commission for adoption such measures as he may deem necessary or expedient.

(g) To act as budget commissioner and to keep the city commission fully advised as to the financial condition and needs of the city; and

(h) To perform such other duties as may be prescribed by this charter or be required of him by ordinance or resolution of the commission.

Head of Departments.

Section 17. Excepting the departments of city solicitor, auditor, treasurer, sinking fund and civil service, and until otherwise provided by the city commission, any existing department now under the

control of a special board, such as library, hospital and park, the city manager shall be the acting head of each and every department of the city until otherwise directed by the commission; but with the consent and approval of the commission, he may appoint a deputy or chief clerk to represent him in any department of which he is the acting head. No member of the city commission shall directly interfere with the conduct of any department, except at the express direction of the commission.

Platting Commissioner.

Section 18. The city manager shall also be the platting commissioner of the city and he shall exercise the authority and discharge the duties of that office under the provisions of the general law of the state applicable thereto, except as the same may be modified by the city commission.

ADMINISTRATIVE OFFICERS AND DEPARTMENTS

City Solicitor.

Section 19. The city commission shall appoint a city solicitor who shall hold office at the pleasure of the commission. The city solicitor shall act as the legal adviser to, and attorney and counsel for, the municipality and all its officers in matters relating to their official duties. He shall prepare all contracts, bonds and other instruments in writing in which the municipality is concerned, and shall endorse on each his approval of the form and correctness thereof; and no contract with such municipality shall take effect until his approval is endorsed thereon. He or his assistants shall be the prosecutor or prosecutors in any police or municipal court, and shall perform such other duties and have such assistants and clerks as the city commission may authorize. In addition to such duties he shall perform such other duties as may be required of him by the city commission, as well as such as may be required of city solicitors by the general laws of the state applicable to municipalities and not inconsistent with this charter or with any ordinance or resolution that may be passed by the city commission.

City Auditor.

Section 20. The city commission shall appoint a city auditor who shall hold office at the pleasure of the commission. The city auditor shall issue all warrants for payments of money by the city. He shall keep an accurate account of all taxes and assessments, of all money due to, and all receipts and disbursements by, the municipality, of all its assets and liabilities, and of all appropriations made by the city commission. At the end of each fiscal year, and oftener if required by the city commission, he shall audit the accounts of the several departments and officers, and shall audit all other accounts in which

the municipality is interested. He may prescribe the form of reports to be rendered to his department, and the method of keeping accounts by all other departments, and he shall require daily reports to be made to him by each department showing the receipt of all moneys by such department and the disposition thereof. Upon the death, resignation, removal, or expiration of the term of any officer, the city auditor shall audit the accounts of each officer, and if such officer shall be found indebted to the municipality he shall immediately give notice thereof to the city commission, and the city solicitor; and the latter shall forthwith proceed to collect the same.

In addition to such duties the city auditor shall perform such other duties as may be required of him by the city commission, as well as such as may be required of city auditors by the general laws of the state applicable to municipalities and not inconsistent with this Charter or with any ordinance or resolution that may be passed by the city commission.

City Treasurer.

Section 21. The city commission shall appoint a city treasurer who shall hold office at the pleasure of the city commission. The office of city treasurer may be combined with that of clerk of the city commission or with any other office not inconsistent therewith. The city treasurer shall be the custodian of all moneys of the municipality, and shall keep and preserve the same in such manner and in such place or places as shall be determined by the city commission. He shall pay out money only on warrants issued by the city auditor.

In addition to such duties he shall perform such other duties as may be required of him by the city commission as well as such as may be required of city treasurers by the general laws of the state applicable to municipalities and not inconsistent with this charter or with any ordinance or resolution that may be passed by the city commission.

Purchasing Agent.

Section 22. The city commission shall designate some officer of the city, other than the auditor or treasurer, to act as its purchasing agent, by whom all purchases of supplies for the city shall be made, and who shall approve all vouchers for the payment of the same. Such purchasing agent shall also conduct all sales of personal property which the commission may authorize to be sold as having become unnecessary or unfit for the city's use.

All purchases and sales shall conform to such regulations as the commission may from time to time prescribe; but in either case, if an amount in excess of five hundred dollars is involved, opportunity for competition shall be given. Where purchases or sales are made on joint account of separate departments, the purchasing agent shall

apportion the charge or credit to each department. He shall see to the delivery of supplies to each department, and take and retain the receipt of each department therefor. Until the city commission shall otherwise provide, the city manager of the city shall act as such purchasing agent.

Trustees of the Sinking Fund.

Section 23. The board of trustees of the sinking fund as now organized and existing shall continue, and such board and all matters pertaining thereto shall be governed by the general laws of the state in effect January 1st, 1914, or thereafter enacted and applicable thereto; excepting that the members of said board shall serve without pecuniary compensation. The present members of said board shall continue to serve for their unexpired terms; but their successors shall be appointed, and vacancies in said board shall be filled, by the president of the city commission, with the consent of said commission entered upon its journal.

Civil Service.

Section 24. The civil service commission as now organized and existing shall continue; and the civil service of the city, and such commission, and all matters pertaining thereto shall be governed by the general laws of the state in effect January 1st, 1914, or thereafter enacted, which are applicable thereto. The present members of said board shall continue to serve for their unexpired terms; but successors to present members shall be appointed and vacancies in said board shall be filled by the city commission, and the members of the civil service commission shall serve without pecuniary compensation.

Other Boards and Departments.

Section 25. All other administrative departments in existence January 1st, 1914, shall continue until otherwise provided by the city commission, and all administrative boards in charge of any administrative department of the city shall continue in office, and their successors shall be appointed as heretofore, excepting as other provision is made in this charter, or may hereafter be made by the city commission.

Excepting the officers, boards, commissions and departments hereinbefore specially mentioned and provided for, the city commission shall have power to establish, create, combine or abolish offices, boards, departments or divisions when in its opinion the proper administration of the business of the city so requires.

Advisory Boards.

Section 26. The city commission at any time may appoint an advisory board or boards composed of citizens qualified to act in an

advisory capacity to the city commission, the city manager or the head of any department, with respect to the conduct and management of any property, institution or public function of the city. The members of any such board shall serve without compensation for a time fixed in their appointment, or at the pleasure of the commission; and their duty shall be to consult and advise with such municipal officers and make written recommendations which shall become part of the records of the city.

Salaries and Bonds.

Section 27. The city commission shall fix by ordinance the salary or rate of compensation of all officers and employes of the city entitled to compensation, other than their own; and may require any officer or employe to give a bond for the faithful performance of his duty, in such an amount as it may determine, and it may provide that the premium thereof shall be paid by the city.

General Disqualifications.

Section 28. No member of the city commission, the city manager or any other officer or employe of the city, shall directly or indirectly be interested in any contract, job, work or service with or for the city; nor in the profits or emoluments thereof, nor in the expenditure of any money on the part of the city other than his fixed compensation; and any contract with the city in which any such officer or employe is, or becomes, interested may be declared void by the city commission.

No member of the city commission, the city manager or other officer or employe of the city shall knowingly accept any gift, frank, free ticket, pass, reduced price or reduced rate of service from any person, firm or corporation operating a public utility or engaged in business of a public nature within the city, or from any person known to him to have, or to be endeavoring to secure, a contract with the city. But the provisions of this section shall not apply to the transportation of policemen or firemen in uniform or wearing their official badges, when the same is, or may be, provided by ordinance.

Political Activity.

Section 29. Neither the city manager, nor any person in the employ of the city under him shall take any active part in securing, or contribute any money toward, the nomination or election of any candidate or candidates for the office of city commissioner, excepting to answer such questions as may be put to him and as he may desire to answer.

Penalties.

Section 30. The provisions of the two last preceding sections shall not be considered exclusive, but as in addition to any other provisions of the general law of the state applicable to the case; and a violation of any provisions of either of such sections shall subject the offender to removal from his office or employment, and to punishment by a fine of not exceeding one hundred dollars.

APPROPRIATIONS

The Estimate.

Section 31. The fiscal year of the city shall begin on the first day of January. On or before the first day of November of each year the city manager shall submit to the city commission an estimate of the expenditures and revenues of the city departments for the ensuing year. This estimate shall be compiled from detailed information obtained from the several departments on uniform blanks to be furnished by the city Manager. The classification of the estimate of expenditures shall be as nearly uniform as possible for the main functional divisions of all departments, and shall give in parallel columns the following information:

(a) A detailed estimate of the expense of conducting each department as submitted by the department.

(b) Expenditures for corresponding items for the last two fiscal years.

(c) Expenditures for corresponding items for the current fiscal year, including adjustments due to transfers between appropriations plus an estimate of expenditures necessary to complete the current fiscal year.

(d) Amount of supplies and material on hand at the date of the preparation of the invoice.

(e) Increase or decrease of requests compared with the corresponding appropriations for the current year.

(f) Such other information as is required by the city commission or that the city manager may deem advisable to submit.

(g) The recommendation of the city manager as to the amounts to be appropriated with reasons therefor in such detail as the city commission may direct.

Sufficient copies of such estimate shall be prepared and submitted, that there may be copies on file in the office of the city commission for inspection by the public.

Appropriation Ordinance.

Section 32. Upon receipt of such estimate the city commission shall prepare an appropriation ordinance but before finally acting upon such tentative appropriation the city commission shall fix a

time and place for holding a public hearing upon the tentative appropriation, and shall give public notice of such hearing. The city commission shall not pass the appropriation ordinance until ten days after such public hearing.

Transfer of Funds.

Section 33. Upon request of the city manager the city commission may transfer any part of an unencumbered balance of an appropriation to a purpose or object for which the appropriation for the current year has proved insufficient, or may authorize a transfer to be made between items appropriated to the same office or department.

Unencumbered Balances.

Section 34. At the close of each fiscal year the unencumbered balance of each appropriation shall revert to the respective fund from which it was appropriated and shall be subject to future appropriation. Any accruing revenue of the city, not appropriated as hereinbefore provided, and any balances at any time remaining after the purposes of the appropriation shall have been satisfied or abandoned, may from time to time be appropriated by the city commission to such uses as will not conflict with any uses for which specifically such revenues accrued. No money shall be drawn from the treasury of the city, nor shall any obligation for the expenditure of money be incurred, except pursuant to the appropriations made by the city commission, but nothing in this or the preceding section shall be construed to authorize the application of revenue derived from a public utility of the city to any other purpose than that of the utility from which the same was derived.

PAYMENTS—REPORTS

Payment of Claims.

Section 35. No warrant for the payment of any claim shall be issued by the city auditor until such claim shall have been approved by the head of the department for which the indebtedness was incurred and by the city manager, and such officers and their sureties shall be liable to the municipality for all loss or damage sustained by the municipality by reason of the corrupt approval of any such claim against the municipality. Whenever any claim shall be presented to the city auditor he shall have power to require evidence that the amount claimed is justly due and is in conformity to law and ordinance, and for that purpose he may summon before him any officer, agent, or employe, of any department of the municipality, or any other person, and examine him upon oath or affirmation relative thereto.

Certification of Funds.

Section 36. No contract, agreement or other obligation involving the expenditure of money shall be entered into, nor shall any ordinance, resolution or order for the expenditure of money be passed by the city commission, or be authorized by any officer of the city, unless the city auditor shall first certify to the city commission or to the proper officer, as the case may be, that the money required for such contract, agreement, obligation or expenditure, is in the treasury, to the credit of the fund from which it is to be drawn, and not appropriated for any other purpose, which certificate shall be filed and immediately recorded. The sum so certified shall not thereafter be considered unappropriated until the city is discharged from the contract, agreement or obligation. The provisions of this section shall not apply to contracts or proceedings relating to improvements any part of the cost of which is to be paid by special assessments.

Money in the Fund.

Section 37. All moneys actually in the treasury to the credit of the fund from which they are to be drawn, and all moneys applicable to the payment of the obligation or appropriation involved that are anticipated to come into the treasury before the maturity of such contract, agreement, or obligation, from taxes, assessments, or license fees, or from sales of services, products or by-products of any city undertaking, and moneys to be derived from lawfully authorized bonds sold and in process of delivery, for the purposes of such certificate shall be deemed in the treasury to the credit of the appropriate fund and shall be subject to such certification.

Financial Reports.

Section 38. The city commission shall have furnished them a monthly balance showing in detail all receipts and expenditures of the city for the preceding month; and the aggregate receipts and expenditures of each department shall be published by the city commission in such manner as to provide fully publicity. At the end of each year the city commission shall have printed an annual report, in pamphlet form, giving a classified statement of all receipts, expenditures, assets and liabilities of the city; a detailed comparison of such receipts and expenditures with those of the year preceding; a summary of the city commission proceedings and summary of the operations of the administrative departments for the previous twelve months. A copy of this report shall be furnished the state bureau of accounting, the public library and to any citizen of the city who may apply therefor at the office of the clerk of the city commission.

IMPROVEMENTS—CONTRACTS

Limitation of Assessments.

Sections 39. In levying special assessments to pay any part of the cost of any public work or improvement, the city commission shall not exceed any limitation as to the amount thereof which may be prescribed by the general laws of the state applicable to municipalities and in force at the time it is determined by the city commission that any such work shall be done or improvement made. Unless for special reasons which shall be stated in the ordinance levying an assessment or providing for the issue of bonds to pay any part of the cost of any such improvement to be made pursuant to contract, no such ordinance shall be passed, or assessment levied or money borrowed, until bids for the labor and material have been received and the approximate cost of the improvement accurately determined.

Improvements by Direct Labor.

Section 40. Nothing in the preceding section shall be construed to prohibit the city commission from doing any public work or making any public improvement by the direct employment of the necessary labor and the purchase of the necessary supplies and materials, with separate accounting as to each improvement so made, but the city commission may upon so declaring by ordinance or resolution cause any public work or improvement to be done or made in such manner.

Sewer, Water and Gas Connections.

Section 41. Before paving or otherwise surfacing or resurfacing any street or alley of the city the city commission shall determine the time within which sewer, water, gas or other connections shall be constructed, and shall give notice thereof to the persons or corporations required to make the same, and if a person or corporation fails to make any such connection when so required no permission to make the same shall thereafter be granted within five years from the completion of any such street improvement unless with the consent of four of the commissioners expressed by resolution adopted at a regular meeting of the commission and stating the reasons therefor. Nothing herein shall be construed to prohibit the city commission from providing that such connections may be made by the city and the cost thereof assessed against the lots and lands specially benefited thereby.

Expenditures in Excess of $1000.

Section 42. When an expenditure, other than the compensation of persons employed by the city, exceeds one thousand dollars, such expenditure shall first be authorized and directed by ordinance of the

city commission, and no contract involving an expenditure in excess of such sum shall be made or awarded except upon the approval of the city manager and the city commission.

Time of Making Contracts.

Section 43. The city commission shall not enter into any contract which is not to go into full operation during the term for which all the members of such city commission are elected.

Modification of Contracts.

Section 44. When it becomes necessary in the opinion of the city manager, in the prosecution of any work or improvement under contract, to make alteration or modifications in such contract, such alterations or modifications, if made, shall be of no effect until the price to be paid for the work and material, or both, under the altered or modified contract, has been agreed upon in writing and signed by the contractor and by the city manager and approved by the city commission.

Bids in Excess of Estimate.

Section 45. In no instance shall contracts be let either as a whole, or in aggregate if bids for parts of the work are taken, which exceed the estimate for the improvement contemplated.

Contracts—When Void.

Section 46. All contracts, agreements or other obligations entered into and all ordinances passes, or resolutions and orders adopted, contrary to the provisions of the preceding sections, shall be void.

ELECTIONS

Time of Holding Elections.

Section 47. Regular municipal elections shall be held on the first Tuesday after the first Monday in November in the odd numbered years. Primary elections shall be held at the time provided by the general election laws of the state. Any matter which by the terms of the charter may be submitted to the electors of the city at any special election may be submitted at a primary election or at a regular municipal election.

Ballots.

Section 48. The ballots used in all elections provided for in this charter shall be without party marks or designations. The whole number of ballots to be printed for any primary or regular election for the nomination or election of candidates for the office of city commissioner shall be divided by the number of such candidates, and the quotient so obtained shall be the number of ballots in each series of

ballots to be printed. The names of the candidates shall be arranged in alphabetical order and the first series of ballots printed. The first name shall then be placed last and the next series of ballots printed, and this process shall be repeated until each name shall have been first. These ballots shall then be combined into tablets with no two of the same order of names together. The ballots shall in all other respects conform as nearly as may be to the ballots prescribed by the general election laws of the state.

Petitions for Place on Primary Ballot.

Section 49. Candidates for the office of city commissioner shall be nominated only by a non-partisan primary election. The name of any elector of the city shall be printed upon the primary ballot if there is filed with the election authorities a petition in accordance with the following provisions, to-wit:

(a) Such petitions shall state the name and place of residence of each person whose name is presented for a place upon the ballot and that he is a candidate for the office of City Commissioner for the City of Springfield, Ohio.

(b) Such petitions shall be signed by electors of the municipality equal in number to two per cent of the total number of registered voters in the city.

(c) Such petitions shall contain a provision that each signer thereto thereby pledges himself to support and vote for the candidate or candidates whose names are therein presented for a place upon the ballot, and each elector signing a petition shall add to his signature his place of residence, with street and number, voting precinct, and date of signing, and may subscribe to one nomination for each of the places to be filled and no more. All signatures shall be made with ink or indelible pencil.

(d) The signatures of all the petitioners need not be appended to one paper, but to each separate paper there shall be attached an affidavit of the circulator thereof stating the number of signers thereto, that each person signed in his presence on the date mentioned, and that the signature is that of the person whose name it purports to be.

(e) Such petitions shall not be signed by any elector more than fifty days prior to the day of such primary election and such petition shall be filed with the election authorities not less than thirty days previous to the day of such election.

Acceptance.

Section 50. Any person whose name has been submitted for candidacy by any such petition shall file his acceptance of such candidacy with the election authorities not later than twenty-five days previous to such election; otherwise his name shall not appear upon the ballot.

Election.

Section 51. The candidates for nomination to the office of city commissioner who shall receive the greatest vote in such primary election shall be placed on the ballot at the next regular municipal election in number not to exceed twice the number of vacancies in the city commission to be filled, and the candidates at the regular municipal election, equal in number to the places to be filled, who shall receive the highest number of votes at such regular municipal election, shall be declared elected. A tie between two or more candidates for the office of city commissioner shall be decided by lot under the direction of the election authorities, as provided by the general election laws of the state.

General Laws to Apply.

Section 52. All elections shall be conducted, and the results canvassed and certified, by the election authorities prescribed by general election laws, and, except as otherwise provided by this charter or by ordinances or resolutions of the city commission hereafter enacted, the general election laws shall control in all such elections.

THE INITIATIVE

Proposed Petition.

Section 53. Any proposed ordinances, including ordinances for the repeal or amendment of an ordinance then in effect, may be submitted to the city commission by petition signed by at least five per cent of the total number of registered voters in the municipality. All petitions circulated with respect to any proposed ordinance shall be uniform in character, shall contain the proposed ordinance in full, and shall have printed or written thereon the names and addresses of at least five electors who shall be officially regarded as filing the petition and shall constitute a committee of the petitioners for the purpose hereinafter named.

Each signer of a petition shall sign his name in ink or indelible pencil and shall place on the petition, opposite his name, the date of his signature and his place of residence by voting precinct and by street and number. The signatures to any such petition need not all be appended to one paper, but to each such paper there shall be attached an affidavit by the circulator thereof, stating the number of signers to such part of the petition and that each signature appended to the paper is the genuine signature of the person whose name it purports to be, and that it was made in the presence of the affiant and on the date indicated.

Time of Filing.

Section 54. All papers comprising a petition shall be assembled and filed with the clerk of the city commission as one instrument, within one hundred and twenty days from the date of the first signature thereon, and when so filed, the clerk shall submit the same to the city commission at its next regular meeting and provision shall be made for public hearings upon the proposed ordinance.

Petition for Election.

Section 55. The city commission shall at once proceed to consider such petition and shall take final action thereon within thirty days from the date of submission. If the city commission rejects the proposed ordinance, or passes it in a different form from that set forth in the petition, or fails to act finally upon it within the time stated, the committee of the petitioners, by written demand filed with the clerk of the city commission not later than twenty days after final action or inaction by the city commission, may require that the proposed ordinance be submitted to a vote of the electors in its original form, if, with or prior to such demand, a petition for such election, signed after the final action or inaction of the city commission, is filed with such clerk bearing additional signatures of five per cent of the electors of the city, none of whom were signers of the first petition. Such clerk shall forthwith cause notice of the filing of such demand and petition to be published in some newspaper of general circulation in the city, and shall also within five days certify to the officers having control of elections the proposed ordinance, stating whether or not a special election is demanded in the petitions, the percentage of registered voters who signed the two petitions in the aggregate, and the date on which he published the notice last mentioned.

Time of Holding Election.

Section 56. If an election is to be held not more than three months nor less than thirty days after the publication of such notice by the clerk, such proposed ordinance shall be submitted to a vote of the electors at such election. If no election is to be held within the time aforesaid, the election officers shall provide for submitting the proposed ordinance to the electors at a special election to be held not later than sixty days nor earlier than thirty days after the publication of such notice, if the petition for such ordinance and the petition for such election so demand, and if the signers of the two petitions amount in the aggregate to at least twenty-five per cent of the registered voters of the city; otherwise the same shall be submitted at the next regular or special election. At least ten days before any such election the clerk of the city commission shall cause such proposed ordinance to be published.

Ballots

Section 57. The ballots used when voting upon any such proposed ordinance shall state the title of the ordinance to be voted on and below it the two propositions, "For the Ordinance" and "Against the Ordinance." Immediately at the left of each proposition there shall be a square in which by making a cross (X), the voter may vote for or against the proposed ordinance. If a majority of the electors voting on any such proposed ordinance shall vote in favor thereof, it shall thereupon become an ordinance of the city.

Duty of City Solicitor.

Section 58. Before any ordinance so proposed shall be submitted to the city commission, it shall first be approved as to its form by the city solicitor, whose duty it shall be to draft such proposed ordinance in proper legal language, and to render such other service to persons desiring to propose such ordinance as shall be necessary to make the same proper for consideration by the city commission.

Amendments and Repeals.

Section 59. No ordinance adopted by an electoral vote can be repealed or amended except by an electoral vote. But an ordinance to repeal or amend any such ordinance may, by resolution of the city commission, be submitted to an electoral vote at any regular election, or at any special municipal election called for some other purpose, provided notice of the intention so to do be published by the city commission not more than sixty nor less than thirty days prior to such election, in the manner required for the publication of ordinances. If an amendment is so proposed, such notice shall contain the proposed amendment in full. Such submission shall be in the same manner, and the vote shall have the same effect, as in cases of ordinances submitted to an election by popular petition.

THE REFERENDUM

Petition for Referendum.

Section 60. No ordinance passed by the city commission, unless it be an emergency measure or the annual appropriation ordinance, shall go into effect until thirty days after its final passage. If, at any time within said thirty days, a petition signed by fifteen per cent of the total number of registered voters in the municipality be filed with the clerk of the city commission, requesting that any such ordinance be repealed or amended as stated in the petition, it shall not become operative until the steps indicated herein have been taken. Such petition shall have stated therein the names and addresses of at least five electors as a committee to represent the petitioners.

Referendum petitions need not contain the text of the ordinance or ordinances the repeal of which is sought; but shall contain the proposed amendment, if an amendment is demanded, and shall be subject in all other respects to the requirements for petitions submitting proposed ordinances to the city commission. Ballots used in referendum elections shall conform in all respects to those provided for in section fifty-seven of this charter.

Proceedings Thereunder.

Section 61. The clerk of the city commission shall, at its next meeting, present the petition to the city commission, which shall proceed to reconsider the ordinance. If, within thirty days after the filing of such petition, the ordinance be not repealed or amended as requested, the city commission shall provide for submitting the proposed repeal or amendment to a vote of the electors, provided a majority of the committee named in the petition to represent the petitioners shall, by writing filed with the clerk of the city commission within twenty days after the expiration of the said thirty days, so require. In so doing the city commission shall be governed by the provisions of section fifty-six hereof respecting the time of submission and the manner of voting on ordinances proposed to the city commision by petition; excepting that the question of calling a special election for such purpose shall be determined by the demand and number of signers of the petition requesting the repeal or amendment of such ordinance, which number shall be twenty-five per cent of registered voters; and excepting further that the city commission may call, and fix the time for, a special election for such purpose, if in its judgment the public interest will be prejudiced by delay.

If, when submitted to a vote of the electors, such repeal or amendment be approved by a majority of those voting thereon, it shall thereupon go into effect as an ordinance of the city; but if any such amendment is clearly separable from the remainder of the ordinance and does not materially affect the other provisions of such ordinance, all sections of the ordinance except that sought to be amended and those dependent thereon shall take effect as though no referendum of any portion of the ordinance had been demanded.

Referendum on Initiated Ordinances—Conflict.

Section 62. Ordinances submitted to the city commission by initiative petition and passed by the city commission without change, or passed in an amended form and not required to be submitted to a vote of the electors by the committee of the petitioners, shall be subject to the referendum in the same manner as other ordinances. If the provisions of two or more ordinances adopted or approved at the same election conflict, the ordinance receiving the highest affirmative vote shall prevail.

Emergency Measures.

Section 63. Ordinances passed as emergency measures shall be subject to referendum in like manner as other ordinances, except that they shall go into effect at the time indicated in such ordinances. If, when submitted to a vote of the electors, an emergency measure be not approved by a majority of those voting thereon it shall be considered repealed as regards any further action thereunder; but such measure so repealed shall be deemed sufficient authority for payment in accordance with the ordinance of any expense incurred previous to the referendum vote thereon.

Preliminary Action.

Section 64. In case a petition be filed requiring that a measure passed by the city commission providing for an expenditure of money, a bond issue, or a public improvement be submitted to a vote of the electors, all steps preliminary to such actual expenditure, actual issuance of bonds, or actual execution of a contract for such improvement, may be taken prior to the election.

THE RECALL

Recall Petition.

Section 65. Any or all members of the city commission may be removed from office by the electors by the following procedure.

A petition for the recall of the commissioner or commissioners designated, signed by at least five hundred of the electors of the city, and containing a statement in not more than two hundred words of the grounds of the recall ,shall be filed with the city auditor, who shall forthwith notify the commission or commissioners sought to be removed, and he or they, within five days after such notice, may file with such auditor a defensive statement in not exceeding two hundred words. The city auditor shall at once upon the expiration of said five days cause sufficient printed or typewritten copies of such petition, without the signatures, to be made, and to each of them he shall attach a printed or typewritten copy of such defensive statement, if one is furnished him within the time provided. He shall cause one copy of such petition to be placed on file in his office, and provide facilities for there signing the same, and he shall also cause one copy to be placed in each of the several fire engine houses of the city, where the same shall be in the custody of the captain of the house, who shall provide facilities for there signing the same. The city auditor shall immediately cause notice to be published in some newspaper of general circulation in the city of the placing of such copies of such petition.

Such copies of such petition shall remain on file in the several places designated for the period of thirty days, during which time any of them may be signed by any elector of the city in person; but

not by agent or attorney. Each signer of any of such copies shall sign his name in ink or indelibile pencil, and shall place thereafter his residence by voting precinct, and by street and number.

Notice.

Section 66. At the expiration of said period of thirty days the city auditor shall assemble all of said copies in his office as one instrument, and shall examine the same and ascertain and certify thereon whether the signatures thereto amount to at least fifteen per cent of the registered voters of the city. If such signatures do amount to such per cent, he shall at once serve notice of that fact upon the commissioner or commissioners designated in the petition, and also deliver to the election authorities a copy of the original petition with his certificate as to the percentage of registered voters who signed the same, and a certificate as to the date of his last mentioned notice to the commissioner or commissioners designated in the petition.

Recall Election.

Section 67. If the commissioner or commissioners, or any of them, designated in the petition, file with the clerk of the city commission within five days after the last mentioned notice from the city auditor*, his or their written resignation, the clerk of the city commission shall at once notify the election authorities of that fact; and such resignation shall be irrevocable, and the city commission shall proceed to fill the vacancy. In the absence of any such resignation the election authorities shall forthwith order and fix a day for holding a recall election for the removal of those not resigning. Any such election shall be held not less than thirty nor more than sixty days after the expiration of the period of five days last mentioned, and at the same time as any other general or special election held within such period; but if no such election be held within such period the election authorities shall call a special recall election to be held within the period aforesaid.

Ballots.

Section 68. The ballots at such recall election shall conform to the following requirements. With respect to each person whose removal is sought, the question shall be submitted: "Shall (name of person) be removed from the office of City Commissioner by recall?" Immediately following each such question there shall be printed on the ballots the two propositions in the order here set forth:

"For the recall of (name of person)."

"Against the recall of (name of person)."

Immediately to the left of each of the propositions shall be placed a square in which the electors, by making a cross mark (X), may vote for either of such propositions.

*Error in original copy reads city solicitor.

Filling of Vacancies.

Section 69. In any such election, if a majority of the votes cast on the question of removal of any commissioner are affirmative, the person whose removal is sought shall thereupon be deemed removed from office upon the announcement of the official canvass of that election, and the vacancy caused by such recall shall be filled by the remainder of the city commission according to the provisions of section four of this charter.

If, however, an election is held for the recall of more than two commissioners, candidates to succeed them for their unexpired terms shall be voted upon at the same election, and shall be nominated without primary election, by petitions signed, dated and verified in the manner required for petitions presenting names of candidates for nomination at a primary election, and similar in form to such petitions, but signed by electors equal in number to at least five per cent of the registered voters of the city, and filed with the election authorities at least thirty days prior to such recall election. But no such nominating petition shall be signed or circulated until after the time has expired for signing the copies of the petition for the recall, and any signatures thereon antedating such time shall not be counted.

Counting the Vote.

Section 70. Candidates shall not be nominated to succeed any particular commissioner; but if only one commissioner is removed at such election, the candidate at such election receiving the highest number of votes shall be declared elected to fill the vacancy; and if more than one commissioner is removed at such election, such candidates equal in number to the number of commissioners removed shall be declared elected to fill the vacancies; and among the successful candidates, those receiving the greater number of votes shall be declared elected for the longer terms. Cases of ties, and all other matters not herein specially provided for, shall be determined by the rules governing elections generally.

Effect of Resignations.

Section 71. No proceedings for the recall of all of the members of the city commission at the same election shall be defeated in whole or in part by the resignation of any or all of them, but upon the resignation of any of them the city commission shall have power to fill the vacancy until a successor is elected, and the proceedings for the recall and the election of successors shall continue and have the same effect as though there had been no resignation.

Miscellaneous Provisions.

Section 72. Except as herein otherwise provided, no petition to recall any commissioner shall be filed within six months after he takes office. No person removed by recall shall be eligible to be

elected or appointed upon or for a period of two years after the date of such recall. The city auditor shall preserve in his office all papers comprising or connected with a petition for a recall for the period of one year after the same were filed. The method of removal herein provided is in addition to such other methods as are, or may be provided by general law.

Offenses Relating to Petitions.

Section 73. No person shall falsely impersonate another, or purposely write his name or residence falsely, in the signing of any petition for initiative, referendum or recall, or forge any name thereto, or sign any such paper with knowledge that he is not a qualified elector of the city. No person shall sign, or knowingly permit to be signed, any petition for recall at any place other than one of the places hereinbefore designated for the signing of such petitions. Nor shall any person employ or pay another, or accept employment or payment, for circulating any initiative or referendum petition upon the basis of the number of signatures procured thereto. Any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor and shall, upon conviction, be fined in any sum not to exceed one hundred dollars and the costs of prosecution. The foregoing provisions shall not be held to be exclusive of, but in addition to, all laws of the state prescribing penalties for the same offenses or for other offenses relating to the same matter.

FRANCHISES

Grants Limited.

Section 74. No grant, or renewal thereof, to construct and operate a public utility in the streets and public grounds of the city shall be made by the city commission to any individual, company or corporation in violation of any of the limitations contained in this charter.

Period of Grants.

Section 75. No such grant shall be exclusive, nor shall it be made for a longer period than twenty years. No such grant shall be renewed earlier than two years prior to its expiration unless the city commission shall by vote of at least four of its members first declare by ordinance its intention of considering a renewal thereof. All grants of the right to make extensions of any public utility shall be subject as far as practicable to the terms of the original grant and shall expire therewith.

Assignment.

Section 76. No such grant shall be leased, assigned or otherwise alienated except with the express consent of the city commission.

Right of Purchase.

Section 77. All such grants shall reserve to the city the right to purchase or lease all the property of the utility used in or useful for the operation of the utility, at a price either fixed in the ordinance making the grant, or to be fixed in the manner provided by such ordinance, which price shall in no event include any value for the grant. Nothing in such ordinance shall prevent the city from acquiring such property by condemnation proceedings or in any other lawful mode, which rights shall be in addition to those reserved in such ordinance. Upon the acquisition of such property by purchase, condemnation or otherwise all grants shall at once terminate.

Extension by Annexation.

Section 78. It shall be provided in every such grant that upon the annexation of any territory to the city the portion of any such utility that may be located within such annexed territory and upon the streets, alleys or public grounds thereof, shall thereafter be subject to all the terms of the grant as though it were an extension made thereunder.

Right of Regulation.

Section 79. All grants shall be subject to the right of the city, whether in terms reserved or not, to control at all times the distribution of space in, over, under or across all streets, alleys or public grounds occupied by public utility fixtures, and, when in the opinion of the city commission the public interest so requires, such fixtures may be caused to be reconstructed, relocated, altered or discontinued; and said city shall at all times have the power to pass all regulatory ordinances affecting such utilities which in the opinion of the city commission are required in the interest of the public health, safety or accommodation.

Forfeitures.

Section 80. If any action shall be instituted or prosecuted directly or indirectly by the grantee of any such grant, or by its stockholders or creditors, to set aside or have declared void any of the terms of any such grant, the whole of such grant may be thereupon forfeited and annulled at the option of the city commission to be expressed by ordinance. All such grants shall make provision for the declaration of a forfeiture by the city commission for the violation by the grantee of any of the terms thereof.

Accounts and Reports.

Section 81. Every person or corporation operating a public utility within the city limits, whether under a grant heretofore or hereafter obtained, shall keep and maintain at some place within the city suitable and complete books of account, showing in detail the assets, financial obligations, gross revenue, net profits and all the operations of such utility which are usually shown by a complete system of bookkeeping.

Each such person or corporation, within sixty days after the end of each of its fiscal years, unless the city commission shall extend the time, shall file with the city commission a report for the preceding fiscal year showing the gross revenue, the net profits, expenses of repairs, betterments and additions, amount paid for salaries, amount paid for interest and discount, other expenses of operation, and such other information, if any, as the city commission from time to time may prescribe. If the city commission shall prescribe the form for such reports, then such reports shall be made in the form from time to time prescribed by such commission.

It shall be the duty of each such person or corporation to furnish the city commission such supplementary or special information about its affairs as the commission may demand; and the commission, or its authorized representative, shall at any and all reasonable times have access to all the books, records and papers of each and every such person or corporation, with privilege of taking copies of same or any part thereof.

The duties herein prescribed may be specifically enforced by appropriate legal proceedings; and in addition, each such person or corporation, for failure to comply with the provisions of this section, shall be liable to the City of Springfield, Ohio, in the sum of twenty-five dollars per day for each day of such failure, to be recovered in a civil action in the name of the city.

The provisions of this section do not apply to any utility extending in its operations to other communities not properly suburban to the City of Springfield, Ohio; but the city commission by ordinance may make the same, or any part thereof, applicable to the portion of any such utility operated within the limits of the city.

Grants Not Included.

Section 82. Revocable permits for laying spur tracks across or along streets, alleys or public grounds, to connect a steam or electric railroad with any property in need of switching facilities shall not be regarded as a grant within the meaning of this charter, but may be permitted in accordance with such terms and conditions as the city commission may by ordinance prescribe.

General Provision.

Section 83. Nothing in this charter contained shall operate in any way, except as herein specifically stated, to limit the city commission in the exercise of any of its lawful powers respecting public utilities, or to prohibit the city commission from imposing in any such grant such further restrictions and provisions as it may deem to be in the public interest, provided only that the same are not inconsistent with the provisions of this charter or the constitution of the state.

MISCELLANEOUS PROVISIONS

General Laws to Apply.

Section 84. All general laws of the state applicable to municipal corporations, now or hereafter enacted, and which are not in conflict with the provisions of this charter, or with ordinances or resolutions hereafter enacted by the city commission, shall be applicable to this city; provided, however, that nothing contained in this charter shall be construed as limiting the power of the city commission to enact any ordinance or resolution not in conflict with the constitution of the state or with the express provisions of this charter.

Ordinances Continued in Force.

Section 85. All ordinances and resolutions in force at the time of the taking effect of this charter, not inconsistent with its provisions, shall continue in full force and effect until amended or repealed.

Continuance of Present Officers.

Section 86. All persons, except the members of the Board of Education and the Police Judge, holding office at the time this charter is adopted shall continue in office and in the performance of their duties until provision shall have been otherwise made in accordance with this charter for the performance or discontinuance of the duties of any such office. When such provision shall have been made the term of any such officer shall expire and the office be deemed abolished. The powers which are conferred and the duties which are imposed upon any officer, board or department of the city under the laws of the state, or under any city ordinance or contract in force at the time of the taking effect of this act shall, if such office or department is abolished by this charter, be thereafter exercised and discharged by the commission, officer, board or department upon whom are imposed corresponding functions, powers and duties by this charter or by any ordinance or resolution of the city hereafter enacted.

Continuance of Contracts and Vested Rights.

Section 87. All vested rights of the city shall continue to be vested and shall not in any manner be affected by the adoption of this charter; nor shall any right or liability, or pending suit or prosecu-

tion, either in behalf of or against the city, be in any manner affected by the adoption of this charter, unless otherwise herein expressly provided to the contrary. Al contracts entered into by the city or for its benefit prior to the taking effect of this charter shall continue in full force and effect. All public work begun prior to the taking effect of this charter shall be continued and perfected hereunder. Public improvements for which legislative steps shall have been taken under laws in force at the time this charter takes effect may be carried to completion in accordance with the provisions of such laws.

Investigations.

Section 88. The city commission, or any committee thereof, the city manager and any advisory board appointed by the commission for such purpose, shall have power at any time to cause the affairs of any department or the conduct of any officer or employe to be investigated; and for such purpose shall have power to compel the attendance of witnesses and the production of books, papers and other evidence; and for that purpose may issue subpoenas or attachments which shall be signed by the president or chairman of the body or by the officer making the investigation, and shall be served by any officer authorized by law to serve such process. The authority making such investigation shall also have power to cause the testimony to be given under oath to be administered by some officer authorized by general law to administer oaths; and shall also have power to punish as for contempt any person refusing to testify to any fact within his knowledge, or to produce any books, or papers under his control, relating to the matter under investigation.

Oath of Office.

Section 89. All officers before taking office shall take the oath of office prescribed by law; but the oath of office of city commissioner shall be in writing and be filed with the city auditor and shall contain the assertion that in his candidacy for nomination and election he has not violated any provision of section three of this charter.

Hours of Labor.

Section 90. Except in cases of extraordinary emergency, not to exceed eight hours shall constitute a day's work and not to exceed forty-eight hours a week's work, for workmen engaged on any public work carried on or aided by the city, whether done by contract or otherwise; and it shall be unlawful for any person, corporation or association, whose duty it shall be to employ or to direct and control the services of such workmen to require or permit any of them to labor more than eight hours in any calendar day or more than forty-eight hours in any week, except in cases of extraordinary emergency. Any person who shall violate any of the provisions of this section

shall be deemed guilty of a misdemeanor and upon conviction be fined not to exceed five hundred dollars or be imprisoned not more than six months or both. This section shall not be construed to include policemen or firemen nor shall it be held to apply to any contract made prior to the taking effect of this charter.

First Election.

Section 91. In order that the provisions of this charter may be put into full force and effect from and after January 1, 1914, five city commissioners shall be elected on the fourth day of November, 1913. Candidates for the city commission shall, at such election, be nominated by petition, and there shall be no primary. Such petitions shall contain the name of the candidate or candidates, and shall specify as to each candidate that he is nominated for the office of City Commissioner for the City of Springfield, Ohio, and shall state his place of residence, with street and number thereon, if any. Such petitions shall be signed for each candidate by qualified electors of the city not less in number than five per cent of the total registered voters of the city.

Signers of such petitions shall insert in them the names and addresses of such persons as they desire to the number of five as a committee who may fill vacancies caused by death or withdrawal.

Such petitions shall contain a provision that each signer thereto thereby pledges himself to support and vote for the candidate or candidates whose nominations are therein requested, and each elector signing a petition shall add to his signature his place of residence and may subscribe to one nomination for each of the five places to be filled and no more.

One of the signers to each such separate paper shall swear that the statements therein are true to the best of his knowledge and belief and the certificate of such oath shall be annexed.

Such petitions shall be filed with the Board of Deputy State Supervisors of Elections of Clark County, Ohio, not less than sixty days previous to the day of said election.

Any person whose name has been submitted for candidacy by any such petition shall file with the secretary or any member of such election board, before September 15, 1913, his written acceptance of such candidacy, which acceptance shall state that if elected he will qualify for and serve in such office during the term for which he is elected. It shall be the duty of the secretary or member of such election board with whom such acceptance is filed forthwith to make and deliver to such candidate a written certificate acknowledging the receipt of such acceptance and stating the date of its filing. If any candidate fails to file such acceptance his name shall not appear upon the ballot.

In the event of failure to elect commissioners at such election, the vacancies due thereto shall be filled under the provisions of section four of this charter at any time after November 15th, 1913; and the three members selected by the joint board shall have the four-year terms.

Amendment of Charter.

Section 92. Amendments to this charter may be submitted to the electors of the city by a two-thirds vote of the city commission, and, upon petition signed by ten per cent of the electors of the city setting forth any such proposed amendment, shall be submitted by such city commission. The ordinance providing for the submission of any such amendment shall require that it be submitted to the electors at the next regular municipal election if one shall occur not less than sixty nor more than one hundred and twenty days after its passage; otherwise it shall provide for the submission of the amendment at a special election to be called and held within the time aforesaid. Not less than thirty days prior to such election the clerk of the city commission shall mail a copy of the proposed amendment to each elector whose name appears upon the poll or registration books of the last regular municipal or general election. If such proposed amendment is approved by a majority of the electors voting thereon it shall become a part of the charter at the time fixed therein.

Saving Clause.

Section 93. If any section or part of a section of this charter proves to be invalid or unconstitutional, the same shall not be held to invalidate or impair the validity, force or effect of any other section or part of a section of this charter, unless it clearly appear that such other section or part of a section is wholly or necessarily dependent for its operation upon the section or part of a section so held unconstitutional or invalid.

When Charter Takes Effect.

Section 94. For the purpose of nominating and electing officers and all purposes connected therewith and for the purpose of exercising the powers of the city as provided herein, this charter shall take effect from the time of its approval by the electors of the city. For the purpose of establishing departments, divisions and officers, and distributing the functions thereof, and for all other purposes it shall take effect on the first day of January, 1914.

We, the undersigned members of the Charter Commission of the City of Springfield, Ohio, elected at a special election held on the 10th day of June, 1913, have framed and hereby propose the foregoing as a charter for the City of Springfield, Ohio.

Done in duplicate in the City of Springfield, Ohio, this 18th day of July, A. D. 1913.

THE CHARTER COMMISSION

STEWART L. TATUM, President.

JAMES H. AUGUSTUS.	WILLIS M. WISE.
J. E. BOWMAN.	CHARLES BAUER.
CHARLES G. HECKERT.	JOHN W. GARNIER.
WILLIAM C. HEWITT.	JOHN J. HOPPES.
T. J. KIRKPATRICK.	HARRY S. KISSELL.
FRANCIS C. LINK.	J. HOWARD LITTLETON.
ROBERT I. NETTS.	W. S. THOMAS.

GEORGE L. RINKLIFF, Secretary.

GLENN M. WHITESELL, Assistant Secretary.

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